

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CARRIE ANN STEC,

Plaintiff,

v.

Case No. 10-C-521

AT&T ADVERTISING AND PUBLISHING,

Defendants.

ORDER

Plaintiff has filed a complaint alleging harassment. Ordinarily, a plaintiff must pay a statutory filing fee of \$350 to bring an action in federal court. 28 U.S.C. § 1914(a). Plaintiff, however, has requested leave to proceed *in forma pauperis*, pursuant to 28 U.S.C. § 1915.

Section 1915 is meant to ensure indigent litigants meaningful access to federal courts. *Nietzke v. Williams*, 490 U.S. 319, 324 (1989). An indigent plaintiff may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1). Plaintiff filed the required affidavit of indigence. Upon review of that affidavit, it appears that plaintiff could not pay the \$350 filing fee.

Section 1915 also requires courts to “screen” complaints to ensure that indigent plaintiffs do not abuse the ability to bring cases without paying a filing fee. Here, Plaintiff alleges that her boss yelled at her; lied to her; set unrealistic expectations; and made false accusations against her,

despite her solid job performance. The human resources department told her to try to get along with her supervisor, and ultimately a new supervisor was assigned. Even so, the regional manager eventually asked her to leave the company. She declined, but was soon put on a performance program she found impossible to meet and was subsequently let go.

Title VII of the Civil Rights Act, 42 U.S.C. §§ 2000e et seq., prohibits discrimination on the basis of sex. If the complaint alleged that the harassment Plaintiff experienced was sexual harassment or that her mistreatment was based on sex discrimination, she would have a claim under Title VII. The problem is that the complaint does not give any suggestion that Plaintiff was treated badly because she was a woman. It merely asserts that she had substantial problems with her boss (presumably a male), but that is not enough to begin a federal lawsuit. Federal law does not protect employees – even good employees – from disagreeable bosses or generally unpleasant working conditions. If Plaintiff has allegations that she was mistreated because of sex discrimination, or if she was sexually harassed, she may file an amended complaint including such allegations. For now, however, the complaint will be dismissed.

NOW, THEREFORE, IT IS HEREBY ORDERED that plaintiff's request to proceed *in forma pauperis* is granted, meaning that the filing fee is waived.

The complaint is **DISMISSED** without prejudice. Plaintiff may file an amended complaint, as set forth above, within 30 days.

Dated this 25th day of June, 2010.

s/ William C. Griesbach
William C. Griesbach
United States District Judge